

PLANNING COMMISSION MINUTES
March 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0139

Request: Change in zoning from R-4 single family residential to R-5 multi-family residential with a detailed district development plan/major preliminary subdivision with binding elements.

Project Name: Lower Hunters Trace Subdivision

Location: 1918, 1922 & 1926 Lower Hunters Trace

Applicant: Habitat for Humanity

Representative: Sabak, Wilson & Lingo

Jurisdiction: Louisville Metro

Council District: 12 – Jonathan Joseph

Case Manager: Molly Clark, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

02:02:34 Molly Clark provided an overview of the request and presented a PowerPoint presentation (see recording for details).

02:05:18 Beth Stuber presented a PowerPoint presentation and provided additional information pertaining to the timeline of Distler Lane. Stuber responded questions from Commission Members (see recording for details).

02:11:21 Jay Lockett responded to questions from Commission Members pertaining to who originally created the private access easement (see recording for details).

The following spoke in favor of this request:

Matt Wolff, Sabak, Wilson & Lingo, 608 S 3rd St., Louisville, KY 40202

Jon Baker, Wyatt, Tarrant & Combs, 400 W Market St., Louisville, KY 40202

Summary of testimony of those in favor:

02:13:57 Matt Wolff spoke in support of the proposal and presented a PowerPoint presentation. Wolff provided an overview of the project and stated that the main access

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would be intersecting with Lower Hunter Trace. Wolff mentioned that a detention basin will be provided, and the water would be rerouted to a culvert on the other side of the road then continue north. Wolff stated that a five-foot sidewalk with a curb will be provided along Disler Lane (see recording for details).

02:18:14 Jon Baker spoke in support of the proposal and discussed the many benefits the area has to offer. Baker elaborated more on Distler Lane as well as the private access easement.

The following spoke in opposition of this request:

Chris Kelty, 1910 Lower Hunters Trace, Louisville, KY 40216

Bonnie Elkins, 1836 Lower Hunters Trace, Louisville, KY 40216

Summary of testimony of those in opposition:

02:20:56 Chris Kelty spoke in opposition to the proposal. Kelty stated that the homes being proposed do not have any similarities to the current homes within the area and that the project could bring down the value of everyone's home. Kelty continued voicing his concerns about the project and responded to questions from Commission Members (see recording for details).

02:30:40 Bonnie Elkins spoke in opposition to the proposal. Elkins voiced her concerns pertaining to traffic and parking (see recording for details).

Rebuttal:

02:39:29 Matt Wolff spoke in rebuttal. Wolff stated that two connections will be provided to the roadways for the 17 lots and responded to questions from Commission Members (see recording for details).

Deliberation:

02:42:39 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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02:43:31 On a motion by Commissioner Cheek, seconded by Commissioner Steff, the following resolution, based on the staff report and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposed rezoning from R-4 to R-5 will allow for higher density by allowing the applicant to build more single-family residential lots. The subject site is located on Lower Hunters Trace which is a primary collector level roadway and 1,500 feet from Dixie Highway which is a major arterial level roadway and has several TARC stops and commercial uses. The subject site is also located 750 feet away from the C-2 commercial zoning and Suburban Marketplace Corridor form district that runs along Dixie Highway, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposed development does involve demolishing an existing single-family home but will allow for the creation of 16 new single-family homes without the displacement of residents. The proposed rezoning would allow for more single-family homes to be constructed in the area, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because a wetlands determination was submitted and there are no wetlands on the subject site. The subject site does not appear to have any distinctive cultural features, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposed rezoning allows for a higher number of single-family residential lots to be created with access to Lower Hunters Trace which is a primary collector level road that leads to Dixie Highway which has several TARC stops and commercial uses, and

WHEREAS, the proposal meets Mobility: Goal 2 because the proposed rezoning and major preliminary subdivision plan will not create access through areas of significantly lower intensity or density, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed rezoning would allow a higher number of buildable single family residential lots approximately 750 feet away from the Suburban Marketplace Corridor form district with several commercial uses. The proposed rezoning to R-5 single family residential will be accessed from Lower Hunters Trace, a primary collector level road, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is located in an area with adequate connections to existing utilities. Subject site is located near adequate water supply with existing

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easements. The proposed plan has received preliminary approval from MSD, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because there does not appear to be any unique characteristics identified general landscape types and native plant communities on the site. The site is previously developed and does not have potential hydric soils or erosion concerns. The subject site is not located within the regulatory floodplain, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed rezoning will allow for a higher number of single family lots within 3.66 acres with smaller lot sizes with the minimum lot size being 6,000 square feet. The proposed major preliminary subdivision will create 16 more single family residential lots approximately 750 feet away from the Suburban Market Place Corridor along Dixie Highway with a variety commercial use and several TARC stops, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed rezoning will be constructed by Habitat for Humanity which is an organization that encourages affordable housing. The proposed rezoning will also allow a higher number of single-family residential lots within 3.66 acres. The proposed rezoning and major preliminary subdivision plan will not cause any displacement; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council to **APPROVE** the Change in zoning from R-4 single family residential to R-5 single family residential.

The vote was as follows:

YES: Commissioners Lannert, Cheek, Benitez Steff, Fischer, Mims, Lohan, and Sistrunk

ABSENT: Commissioners Kern and Bond

Detailed District Development Plan/Major Preliminary Subdivision plan with binding elements

02:44:21 On a motion by Commissioner Cheek, seconded by Commissioner Steff, the following resolution, based on the staff report and staff testimony heard today, and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the site does not have any environmentally sensitive areas. There is one existing structure to remain, and

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WHEREAS, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds there are no open space requirements pertinent to the current proposal. The proposed development shows one open space lot with a detention basin to serve the proposed buildable lots, and

WHEREAS, the Planning Commission finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Planning Commission finds the overall design of the project is consistent with existing and future development in the area, and

WHEREAS, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the proposed Detailed District Development Plan/Major Preliminary Subdivision plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e., clearing, grading, demolition). An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
3. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified

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on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.

4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
6. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
7. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

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1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
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11. A deed of consolidation creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
 12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
 13. A variable sidewalk easement shall be recorded for public use along Distler Lane. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

The vote was as follows:

YES: Commissioners Lannert, Cheek, Benitez Steff, Fischer, Mims, Lohan, and Sistrunk

ABSENT: Commissioners Kern and Bond